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**FILED**  
DISTRICT COURT OF GUAM

NOV 26 2007 *mb*

**JEANNE G. QUINATA**  
Clark of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JUAN C. TENORIO and )  
16 CHARLENE F. TENORIO, )  
 )  
Defendants. )

CRIMINAL CASE NO. 07-00078

UNITED STATES'  
[PROPOSED]  
AMENDED JURY  
INSTRUCTION NO. 26

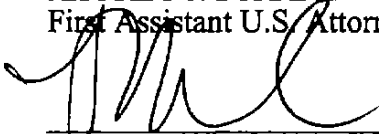
COMES NOW the United States, and files with the Court its Amended Jury Instruction  
No. 26, appended hereto, which the Government hereby requests the Court utilize to instruct the  
jury.

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of November, 2007.

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By:

  
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1 AMENDED INSTRUCTION NO. 26

2 BANKRUPTCY FRAUD - ELEMENTS

3 In order to sustain its burden of proof for the crime of concealing assets in bankruptcy as  
4 charged in count One of the indictment, the government must prove the following three  
5 essential elements beyond a reasonable doubt:

6 One: On or about the date alleged in the indictment, the proceeding in bankruptcy was  
7 in existence;

8 Two: Defendants JUAN C. TENORIO and CHARLENE F. TENORIO knowingly and  
9 fraudulently concealed the property described in the indictment from the trustee charged with  
10 the control and custody of property, from the United States Trustee, and from their creditors in  
11 bankruptcy; and

12 Three: The property belonged to the estate of the debtor.  
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25 AUTHORITY: 2 Devitt, Blackmar & O'Malley, Federal Jury Practice and Instructions  
26 § 24.03 (4th ed. 1990) [The Essential Elements of the Offense  
27 Charged](modified by adding the word "knowingly" to element number  
28 2; and to simplify element number 3); United States v. Guiliano, 644  
F.2d 85, 87 (2d Cir. 1981); United States v. Beery, 678 F.2d 856 (10 th  
Cir. 1982); Fifth Circuit Pattern Jury Instructions, Criminal, 2.10 (West  
1997) [Bankruptcy: Concealment of Assets (Bankruptcy Proceeding  
Pending)]